



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Addendum to Improvement Deferral Agreement Executed by Lodi Academy Constituency for Property Located at 1230 South Central Avenue (APN 047-100-001)

MEETING DATE: December 20, 1995

PREPARED BY: Public Works Director

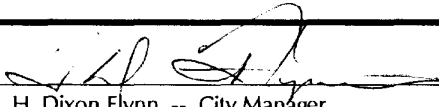
RECOMMENDED ACTION: That the City Council approve the terms of an addendum to the Improvement Deferral Agreement recorded in the San Joaquin County Recorder's Office on September 10, 1986 as Instrument No. 86074204, and authorize the City Manager to sign the addendum containing the authorized conditions without further Council action.

BACKGROUND INFORMATION: In 1986, the Lodi Academy Constituency entered into an Improvement Deferral Agreement with the City to install street improvements along the frontage of their property no later than December 31, 2000. The Agreement was the result of negotiations over City requirements for the installation of frontage improvements in conjunction with an on-site building permit. The Academy property is bounded on the south by Kettleman Lane, on the west by Central Avenue, on the north by Poplar Street and on the east by Cherokee Lane (see Exhibit A). The frontage improvements on Central Avenue and Kettleman Lane have been completed.

A portion of the Lodi Academy property is located within the proposed assessment district for the Central City Revitalization Project. In October, as an incentive to get missing frontage improvements (curb, gutter and sidewalk) installed with the assessment district improvements, letters were sent to property owners along Cherokee Lane whose parcels are missing these improvements offering to include the cost of the frontage improvements in the individual parcel assessments and provide City design services for the improvements. In response to this mailing, City staff was contacted by Mr. Samir Berbawy, Principal of Lodi Academy, and a meeting was held with Mr. Berbawy and Lodi Academy Board representatives to discuss the project and the frontage improvements along Cherokee Lane covered by the incentive program.

On November 20, 1995, a letter was received from Lodi Academy indicating they would be interested in proceeding with the Cherokee Lane frontage improvements to their property under the incentive program if some relief could be provided for the installation of the missing improvements on Poplar Street. A copy of the letter is attached as Exhibit B. They have requested the Improvement Deferral Agreement be amended to extend the deadline for installation of the Poplar Street improvements to December 31, 2010. Staff feels this is a reasonable request. The installation of the Cherokee Lane frontage improvements with the assessment district improvements will certainly enhance the effectiveness of the Cherokee Lane beautification effort.

APPROVED: _____


H. Dixon Flynn -- City Manager

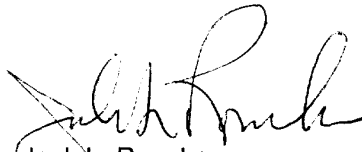
Item 3 of the existing Agreement reads as follows:

"The CITY agrees that the installation of the remaining street improvements need not be made at this time with the understanding that OWNER agrees that the improvements fronting their property will be made and applicable fees paid when the adjacent property develops, or by December 31, 2000, whichever comes first."

Staff recommends that an Addendum to the Agreement amend Item 3 as follows:

1. The purpose of the Addendum is to amend Item 3 of the Improvement Deferral Agreement recorded September 10, 1986 in the office of the San Joaquin County Recorder as Instrument No. 8607204. All other conditions of the original Agreement are to remain unchanged.
2. Street frontage improvements (curb, gutter, sidewalk and landscaping) conforming to the Central City Revitalization Program Concept Development Plan will be installed along the Cherokee Lane frontage of the subject parcel as part of the proposed Central City Revitalization Assessment District improvements.
3. The cost of the frontage improvements along Cherokee Lane is the OWNER'S responsibility and will be included in the Central City Revitalization Assessment District assessment for the subject parcel if the District is adopted.
4. Design services for curb, gutter and sidewalk installation will be provided by the CITY at no cost to the OWNER.
5. CITY agrees that the installation of the street improvements along the Poplar Street frontage of the subject parcel need not be made by December 31, 2000 with the understanding that OWNER agrees to install said improvements by December 31, 2010.
6. Should the Central City Revitalization Assessment District formation effort fail, the above conditions shall become null and void, and the conditions of Item 3 of the original Improvement Deferral Agreement referenced above shall apply.

FUNDING: Design Services - Street Fund



Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

JLR/SAW/lm

Attachments

cc: City Attorney
Associate Civil Engineer - Development Services
Lodi Academy

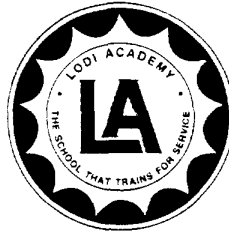


CITY OF LODI
PUBLIC WORKS DEPARTMENT

EXHIBIT "A"



EXHIBIT B



Lodi Academy

RECEIVED

NOV 20 1995



CITY OF LODI
PUBLIC WORKS DEPARTMENT

November 17, 1995

Richard Prima, City Engineer
City of Lodi
P. O. Box 3006
Lodi, CA 95241-1910

Re: Lodi Academy/Cherokee Lane Improvements

Dear Mr. Prima:

Thanks to you and Ms. Welch for meeting with our Board representatives and answering our questions regarding the Cherokee Lane improvements proposed by the City. The information you provided has given us a positive feeling about our involvement in the improvements proposed for Cherokee Lane.

However, as we discussed, our school is small (with only approximately 130 students) and our budget is very tight. Our school has many needs, including much-needed improvements to our gymnasium and adjacent parking lot (where the Lodi Community Concert Series is held each year) as well as other significant capital improvements.

So, we've been viewing with apprehension the cost of the Cherokee Lane improvements, not because we don't think they will be good, but because of the potential cost to the school.

However, after meeting with you our representatives were impressed that we could possibly advance the implementation of the Phase II improvements as proposed by the City if we could again defer the Poplar Street improvements by extending our agreement with the City and postpone our having to construct those improvements.

Is it possible that the City would allow us to postpone the construction of the Poplar Street improvements for 15 more years if we agree to the Cherokee Lane improvements and advance the Phase II improvements along the lines that you proposed in our meeting?

We thank you for your courtesies and appreciate the positive relationship we have enjoyed with the City of Lodi.

Thank you for your kind attention to this matter.

Sincerely,

Samir Berbawy
Principal

SB/pr